

REMARKS

In response to the election/restriction requirement set forth in the Office Action mailed July 12, 2005, Applicants hereby provisionally elect (without traverse) group II, claims 31-63, drawn to a method of fabricating an image sensor. Within this selected group, Applicants elect, with traverse, the species II—2 identified in ¶ 5 of the Office Action as directed to claims 48-63. Claims 1-47 have been canceled, claims 64-74 have been newly added. No new matter has been included. Claims 48-74 are now pending in this application.

The Office Action associates species II—2 with FIG. 4 of the Application, however, Applicants further note that an exemplary method of fabricating the imager shown in FIG. 4 is set forth in other figures of the Application (see, e.g., FIGs. 7a-7g).

Applicants' election of species II—2 is made with traverse. Applicant respectfully submits that, given the circumstances of this case, where there is a reasonable number of independent claims and where the subject matter of the claims is closely related, it would not be a serious burden to examine all method claims pending at this time. M.P.E.P. § 803 directs as follows: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits." This directive should be followed in this case.

Newly added independent claim 64 is a generic claim. Applicants submit that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to all species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

The application is believed to be in immediate form for allowance, therefore an action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: July 28, 2005

Respectfully submitted,

By 

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